

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Erinn White	Team: Team # 3	CCRB Case #: 201113595	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/18/2011 4:45 PM	Location of Incident: Thomas Boyland Avenue and Dumont Avenue	Precinct: 73	18 Mo. SOL 4/18/2013	EO SOL 4/18/2013	
Date/Time CV Reported Tue, 10/18/2011 4:58 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/18/2011 4:58 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Rafael Figueroa	25243	948336	PBBN
2. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Rafael Figueroa	Abuse: Officer Rafael Figueroa stopped § 87(2)(b) and an individual.	
B.POM Rafael Figueroa	Abuse: Officer Rafael Figueroa frisked § 87(2)(b)	
C. An officer	Abuse: An officer searched an individual.	

Case Summary

On October 18, 2011, § 87(2)(b) filed this complaint with the CCRB via phone. On November 15, 2011, § 87(2)(b) provided a phone statement.

On October 18, 2011 at approximately 4:45pm, in the vicinity of Thomas Boyland Avenue and Dumont Avenue in Brooklyn, § 87(2)(b) was walking from work with his uncle, who he did not identify, when they were stopped by an officer who § 87(2)(b) identified by name and shield number as PO Rafael Figarello of Patrol Borough Brooklyn North (**Allegation A**). PO Figarello was driving a police van with about four other officers inside, who could not be described. PO Figarello told § 87(2)(b) and his uncle to come over to the police van, and asked if they knew § 87(2)(b) who had recently been murdered; PO Figarello instructed § 87(2)(b) to furnish his identification. After § 87(2)(b) produced his identification, PO Figarello informed § 87(2)(b) that he was going to exit the police van and frisk him. PO Figarello and another officer, PO1, exited the van. PO Figarello frisked § 87(2)(b)'s coat pockets (**Allegation B**). § 87(2)(b) had a wrapper for his headphones in one of his coat pockets. When PO Figarello frisked this pocket, he asked § 87(2)(b) what the item was and ordered him to remove it from his pocket. § 87(2)(b) complied. § 87(2)(b) could not recall whether PO Figarello entered any of his pockets. PO1 searched § 87(2)(b)'s uncle's work bag, but § 87(2)(b) did not see if his uncle was searched or frisked (**Allegation C**). § 87(2)(b)'s identification was returned and he and his uncle were released. § 87(2)(b) identified PO Figarello by name and shield number; he did not provide any identifying information for PO1. § 87(2)(g)

§ 87(2)(b) No summonses were issued as a result of this incident.

On November 15, 2011, § 87(2)(b) called the investigator, and provided a phone statement. Mediation was presented to § 87(2)(b) as a means to resolve his complaint. § 87(2)(b) requested to withdraw his complaint. § 87(2)(b) stated that he only filed the complaint because he wanted the complaint to be on PO Figarello's record. § 87(2)(b) stated that neither a member of the NYPD nor the CCRB influenced him in the withdrawal of his complaint and that he was withdrawing his complaint of his own free will. The investigator sent § 87(2)(b) a withdrawal letter to sign and it will be added to the case file upon its return. ASI Rita Bobe-Saleh reviewed the withdrawal discussion located in IA #8 (201113595_20111115_1543.WAV) at the 14:50 mark, and ensured it adhered to agency standards. § 87(2)(b) did not feel comfortable providing any contact information for his uncle and stated that he would contact the investigator after speaking to him later that night. § 87(2)(b) did not contact the investigator. On November 22, 2011, November 25, 2011, and November 28, 2011, the investigator contacted § 87(2)(b) in regards to his uncle. On each call there was no answer and the investigator left a voicemail message. In addition to contacting § 87(2)(b) by phone, the investigator sent § 87(2)(b) a letter on November 22, 2011 and emails on November 22, 2011 and November 28, 2011. § 87(2)(b) has not contacted the investigator in response. The letter was not returned by the United States Postal Service as "undeliverable."

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date